

KENTUCKY DEPARTMENT OF EDUCATION
STAFF NOTE

Action/Discussion Item:

704 KAR 3:305, Minimum Requirements for High School Graduation (Final)

Applicable Statute(s) or Regulation(s):

KRS 156:160, 704 KAR 3:305, 703 KAR 5:020

Action Question:

Should the Kentucky Board of Education (KBE) give final approval to 704 KAR 3:305, Minimum Requirements for High School Graduation?

History/Background:

Existing Policy. The Kentucky Board of Education has identified secondary education as a priority, with the goal that each and every student will attain a high school diploma that credentials him/her as prepared for a next level of education and work. Thus, changes to the current minimum high school graduation requirements are under consideration. During the October 2005 meeting, the Kentucky Board of Education considered a proposal for amendments to 704 KAR 3:305, Minimum Requirements for High School Graduation. At that time, the Board asked Department staff to bring back additional information in December. After considering the information presented in December, the Board determined that additional discussion time was needed at the January 4, 2006, meeting. Based on the direction provided by the Board on January 4, changes have been made to the proposed amendments to 704 KAR 3:305. They are summarized below.

Policy Issues:

To clarify the content strands in Language Arts:

On page 2, line 22:

- The strands of “conventions” and “analysis” have been added to the list of content strands to be included in the four Language Arts credits.

To clarify that alternate course *structures* may be substituted for the more traditional Algebra II course structure, as long as the course meets the content standards in the Program of Studies. To remove the option to substitute for Algebra II content, and, therefore, to remove the clauses related to substitution for Algebra II content.

In considering the direction provided by the Board, the Department is proposing a further change in this section of the regulation. The Department believes that the Board’s intent

is to provide districts with instructional design options, so that student needs for differentiation and opportunities for personalization can be accommodated in ways that raise levels of student achievement. Therefore, the Department proposes that this clarification be expanded to include all three mathematics requirements, rather than only Algebra II.

On page 3, lines 13 – 17:

- Replace “An integrated, applied, interdisciplinary or technical/occupational course that prepares a student for a career path based on the student's individual graduation plan may be substituted for Algebra II on an individual student basis under the following conditions:
 - (i) The school documents that the student was provided the opportunity to learn the content prior to determination of a substitute course through sustained intervention and instructional supports;
 - (ii) The school uses multiple measures, including formative, diagnostic, and summative assessments, as evidence for the need for course substitution;
 - (iii) The school has defined content and performance standards for the substitute course that provides relevant, continuous learning of mathematical concepts;
 - (iv) The school uses a team comprised of the principal, the student’s teachers, the student’s parents, and the student to make the decision to substitute the course based on the collected evidence;The school shall annually report to the Kentucky Department of Education the number and percent of students enrolled in a course substituting for Algebra II;”

With

“An integrated, applied, interdisciplinary or technical/occupational course that prepares a student for a career path based on the student's Individual Learning Plan may be substituted for a traditional Algebra I, Geometry or Algebra II course on an individual student basis if the course meets the content standards in the program of studies, 704 KAR 3:303.”

To establish the name of the student plan as the “Individual Learning Plan:”

Throughout the regulation, “Individual Graduation Plan” has been replaced with “Individual Learning Plan.”

To clarify the content strands of Social Studies:

The Board requested consideration of the term “world culture” rather than “culture” as one of the content strands identified in Social Studies. The Department recommends that the identification of the content strand be changed to “cultures and societies” to reflect the intent that the understandings apply across multiple cultures.

On page 3, line 5:

- Replace “culture and society” with “cultures and societies”

To provide consistency among sections related to alternate course structures:

On page 4, line 16 and line 21:

- Insert “technical/occupational” to maintain consistency with Section 2. (1)(c)2.

To clarify language related to Individual Education Programs(IEP) and students with disabilities relative to the minimum high school graduation requirements and award of the high school diploma.

Under current policy, students complete high school in one of two ways:

- 1) Students, who complete the high school graduation requirements, as specified in 704 KAR 3:305, Section 2, receive a high school diploma.
- 2) Students whose Individual Education Program (IEP) specifies that the severity of their disability precludes participation in the course of study leading to a diploma are offered an alternative program that leads to a certificate of attendance, 704 KAR 3:305, Section 8.

As a follow-up to the January Board discussion, Deputy Commissioner Kevin Noland provided clarification on graduation/diploma requirements for students with disabilities, as defined by the federal Individuals with Disabilities Education Act (IDEA). The Board asked whether or not IEPs took precedence over standard graduation requirements imposed by the Board through regulation for the purpose of awarding diplomas. IEPs cannot waive standard graduation requirements.

Parents, special education practitioners, and others have expressed serious concerns about the value of a certificate of attendance because most Kentucky employers do not recognize the certificate as credentialing any level of work readiness or employability. The Board has taken a strong position that it wishes to maintain a one-diploma system in Kentucky, in which students who receive a diploma are consistently held accountable to the same rigorous content standards.

Given Deputy Commissioner Noland’s clarification, the Board’s desire to maintain a one-diploma system and the aspiration that every student leave high school with a productive and meaningful credential, staff is recommending further changes to the regulation for students whose disability precludes a course of study leading to a diploma:

- On page 9, lines 4-13, reference to a certificate has been eliminated. New language creates an opportunity for these students with disabilities to earn a credential of work readiness and employability.

As referenced in the proposed regulation, the course of study leading to this new credential would be outlined in the Program of Studies and deliberately designed to help these students plan for and make a successful transition to work and learning beyond high school through the IEP and Individual Learning Plan.

Related NCLB Issue

Decisions about graduation requirements and diplomas for students with the most significant cognitive disabilities are further complicated by recent No Child Left Behind (NCLB), Title I guidance from the United States Department of Education (USDOE). Currently, Kentucky students with severe cognitive disabilities may be assessed for NCLB purposes through an alternative portfolio system. Up to 1% of students at the district level in this alternative assessment system who score proficient or above are counted as proficient for the purposes of measuring adequate yearly progress (AYP). In 2005, the number of students participating in the alternate portfolio for grades 3-12 was 5,432. In the remainder of the student population, students with disabilities take the CATS assessment and may receive accommodations but the content standards and performance expectations on the assessment are not altered. There are thirty-four districts in Kentucky that did not make AYP last year because they failed to make the required progress on the single indicator related to the achievement of students with disabilities.

New guidance and flexibility from USDOE would permit states to develop modified achievement standards for an expanded population (above the current 1% cap). The modified standards, and modified assessments that measure achievement based on those standards, must be aligned with grade-level content but modified in such a manner that they reflect reduced breadth or depth of grade-level content. Federal guidance describes this change as additional flexibility regarding accountability for students with disabilities.

The new USDOE guidance permits states to include scores from these modified assessments, based on modified achievement standards, in AYP determinations. The federal guidance anticipates a cap on the number of students who may be assessed in this way at the district and state levels based on the total number of students assessed. The cap is identified as 2.0 percent and that percent of the current Kentucky student population, grades 3-12, is approximately 9,481. Coupled with the 1% who may already participate in the alternate portfolio, this change could result in up to 3% of students at the assessed grade levels being engaged in alternative or modified assessments based on reduced depth or breadth of grade-level content. For the 2005-06 accountability cycle only, states may choose a “proxy option.” This option will allow a state to determine the percentage of students with disabilities that is equivalent to 2% of all students assessed and add that proxy to the percent of students with disabilities who are proficient. We know of at least 30 states that have received or are in the process of seeking approval to use the proxy or other form of flexibility.

Implications of the recent federal guidance are extensive but they are particularly problematic in regard to the Board’s desire to maintain a one-diploma system and to offer a meaningful course of study and non-diploma credential to a very limited number of students with severe cognitive disabilities as an alternative. It would be the preference of the Department that no student receives a diploma based on participation in a modified assessment and modified academic standards. However, NCLB stipulates states that choose the flexibility options for up to the 2% cap using modified academic achievement

standards shall not “preclude a student from earning a regular high-school diploma.” This limits the opportunity to earn the proposed work and employability credential proposed above to no more than 1% of students who now participate in the alternate portfolio and there may be a small number of students just above that line (within the 2%) who would benefit from the new credential.

This new federal guidance has caused many states to expand or pursue multiple diploma systems where they consider all of these to be "regular" diplomas. In North Carolina, for example, there are four different “courses of study” that lead to the regular diploma, even though the four courses of study are vastly different in rigor and context. A student engaged in a low level mathematics course sequence is given a diploma identical to one given to a student engaged in Algebra I, Geometry, Algebra II, and advanced mathematics, for example.

The Kentucky Board of Education has held on to the belief that there should be one meaningful high school diploma for all. A differentiated diploma system conflicts with this vision.

Staff Recommendation(s) and Rationale:

Staff recommends that the Board give final approval to 704 KAR 3:305, Minimum Requirements for High School Graduation as proposed. The amendments to the minimum requirements are just one of the necessary steps within the broader refocusing secondary initiative that will ensure students reach the goal of being credentialed as prepared for the next level of education and work.

Specifically, with regard to the issues related to students with disabilities, the Department recommends the following:

1. Amend the regulation to remove reference to the certificate and add new language related to the work readiness and employability credential.
2. Submit a request to the USDOE for a flexibility option (proxy option) for the 2005-06 year to allow the Department and the Board further time to develop the policy framework for these issues, while providing districts that are not meeting AYP based on this single indicator some additional flexibility.
3. Develop a plan for appropriately assessing students with disabilities that meets both the NCLB requirements and aligns with the KBE direction.

Impact on Getting to Proficiency:

Once *Kentucky's Program of Studies for Kentucky Schools and the Core Content for Assessment* are brought into alignment, the increased rigor required for high school graduation will encourage more high level learning experiences in Kentucky classrooms. These experiences will allow students to reach proficiency within the state assessment system but more importantly be successful in their postsecondary endeavors.

Groups Consulted and Brief Summary of Responses:

- District Instructional Support Staff from districts in the Alliance Network (October 12, 2005) - Feedback was supportive of changes, especially the freedom to provide integrated and interdisciplinary courses for students.
- Instructional Support Network (ISN) (October 13, 2005) - Specific feedback focused on implications for implementation of the new requirements. The ISN participants commented on the need for teachers specifically in the areas of world languages and mathematics. They also expressed the need for professional development for teachers and clearer definitions of proficiency for technology and world languages.
- Kentucky Association of Secondary School Principals (November 3, 2005) - The group praised decisions related to increased rigor and flexibility to provide relevant math courses for students in their senior year to increase student success and reduce the need for remediation in postsecondary.
- Interim Joint Committee on Education (November 14, 2005) - Commissioner Wilhoit presented an overview of the proposed changes and responses were presented by a local superintendent and a secondary level guidance counselor.
- Local Superintendents Advisory Council (November 29, 2005) - The members voted unanimously to approve the proposed changes in the regulation with the exception that 2012 be identified as the implementation year instead of 2010.

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